



DIRECT DIAL NUMBER:
(215) 575-7268

Lawrence G. McMichael
lmcmichael@dilworthlaw.com

With counsel: Lawrence C. Marshall
STANFORD LAW SCHOOL
559 Nathan Abbot Way
Stanford, CA 94305
DIRECT DIAL NUMBER:
(650) 723-7572

June 12, 2015

VIA ECF

Honorable Kimba M. Wood
United States District Judge, Southern District of New York
1610 United States Courthouse
500 Pearl Street
New York, NY 10007

RE: ***Rigas v. United States, 11 Civ. 6964 (KMW) & 02 Cr. 1236 (KMW)***

Dear Judge Wood:

As counsel for John and Tim Rigas, we are writing to ask the court to vacate its June 4, 2015 Order requiring Messrs. Carl Rothenberger and Patrick McLaughlin to submit for in camera review documents responsive to the subpoenas the Rigases served upon them. Further, the Rigases hereby withdraw the Motion to Compel that they filed on April 15, 2015 with reference to Messrs. Rothenberger and McLaughlin.

Petitioners filed their Motion to Compel in this Court based upon an incorrect assumption that they would be able to obtain Messrs. Rothenberger's and McLaughlin's consent to have their claims of attorney-client privilege and work product protection adjudicated by this Court in conjunction with the similar claims that have been advanced by Buchanan Ingersoll, which are now pending resolution. Soon after the Motion was filed, however, Messrs. Rothenberger and McLaughlin informed Petitioners' counsel that they are unwilling to consent to the resolution by this Court in the first instance and insisted that Petitioners file a motion to compel in the Court where compliance is required according to the procedures of Rule 45(d)(2)(B)(i). Since that time, the parties have been continuing to discuss an appropriate resolution respecting the subpoenas, and recent discussions have been productive.

We apologize for any inconvenience this has caused.

Respectfully submitted,

<u>s/ Lawrence G. McMichael</u>	<u>/s/ Lawrence C. Marshall (with consent)</u>
Lawrence G. McMichael	Lawrence C. Marshall

cc: Damian Williams (via e-mail)
Brian R. Blais (via e-mail)
Patrick M. McLaughlin (via e-mail)
Sean T. Lavin (via e-mail)